

# Spring 2009

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This is a part of a series of quarterly newsletters designed to inform growers in Contra Costa County about issues important to the Agricultural community. We welcome your questions and comments about any topics in this newsletter as well as suggestions for future newsletters. Contact us at:

Contra Costa County Department of Agriculture /Weights & Measures 2366 A Stanwell Circle Concord, CA 94520 (925) 646-5250 FAX (925) 646-5732

Knightsen Branch Office P.O. Box 241 Knightsen, CA 94548 (925) 427-8610 FAX (925) 427-8612

or visit our website at: <a href="www.co.contra-costa.ca.us">www.co.contra-costa.ca.us</a> and click on Departments.

#### How To Sell At A Farmers' Market

Consumers in California are starting to appreciate the difference between the taste of ripe, fresh picked fruits and vegetables and that of store bought produce varieties developed to have a long shelf life. They are also increasingly concerned about food safety and are realizing that our local California produce has been grown under the strictest food safety regulations in the world. These are some of the reasons that Certified Farmers' Markets have been gaining so much popularity in the San Francisco Bay Area. Contra Costa County alone has over twenty Certified Farmers' Markets.

The California direct marketing regulations allow growers to sell their agricultural products directly to consumers at Certified Farmers' Markets while ensuring that consumers receive quality products in an honest and fair transaction.



A Certified Farmers Market.

This gives growers an alternative to large volume distribution marketing by allowing the sale of smaller amounts of produce as well as varieties that are too tender for large commercial production. Direct marketing helps eliminate the middleman, providing cost savings to consumers and higher profits to growers. Certified Farmers' Markets also give consumers a chance to meet the growers and gain a better understanding of the challenges growers face in producing the food we eat.

In order to sell at a Certified Farmers' Market, growers must produce their own fresh fruit and vegetables, cut flowers, nursery stock, honey, eggs, herbs, or nuts. These products can be certified by the county Department of Agriculture and included on a Certified Producers Certificate (CPC). Other non-certifiable agricultural products produced by the grower that can be sold in a Certified Farmers' Market include beeswax, pollen, milk, and CDFA or USDA inspected fish, shellfish, and meat.

Processed products cannot be certified, although if they are made only from certified agricultural products, some types of noncertifiable agricultural products may be sold in a Certified Farmers' Market. These products include jams, jellies, fruit juice, dried fruit, wine, oils, sauces, etc. Some ingredients not of the grower's own production may be added: sugar, salt, vinegar, pectin, smoke flavoring, and



Growers must produce their own products in order to sell at a Certified Farmers Market



An approved and sealed scale is required when any products are sold by weight.

preservatives. Non-agricultural products (basically everything else) may not be sold within the boundaries of a Certified Farmers' Market.

All products for sale must meet maturity and quality standards. Bulk fresh fruits, nuts, and vegetables are exempt from size, standard pack, container, and labeling requirements at a Certified Farmers' Market. All other products must still comply. If closed containers of fresh fruits, nuts, and vegetables will be sold, the grower must label them with the identity (name) of the product, responsibility (growers name and address), and the quantity (weight, volume, or count). Even a plastic bag that has been tied shut is considered to be a closed container.

There are other things growers need to consider before selling at a Certified Farmers' Market. The grower, his/her immediate family, and employees who receive a regular wage from the grower are the only ones who may sell products at a Certified Farmers' Market. If anything will be sold by weight at the site, the stand must have available a scale approved and sealed by a county Division of Weights & Measures. (Current seals issued in one county are good in all the others.) If growers wish to sell nursery stock, they must have a nursery stock license issued by CDFA. (Cut flowers don't require a nursery license.)

Growers wishing to sell organic products must have an organic certificate from an approved certifying organization. If growers produce host crops within a quarantine area (such as for Light Brown Apple Moth or Sudden Oak Death), they have to get a compliance agreement from their county Department of Agriculture. Any growers who want to sell wine need to have a liquor sales permit (contact the California Alcoholic Beverage Commission for information).

The county Health Departments also inspect Certified Farmers' Markets. They are looking to make sure that products for sale were produced in an approved manner by an approved source. They also regulate how food is stored and displayed at the stall. There are strict rules covering displays and how samples can be offered for tasting by the public. Check with the local county Health Department for detailed information and permits.

Growers may sell for a maximum of two other Certified Producers and have a maximum of two other Certified Producers selling for them. Agreements must be in writing when growers wish to sell for other producers. The grower must keep records of how much of the second producer's product was provided to them to sell each day and how much was actually sold. These records must be kept for three years and



The site inspection by the county Department of Agriculture can only verify crop plants that are visible.



The crop type and variety is recorded on the Certified Producer Certificate (CPC).

provided upon request to the county Department of Agriculture.

In order to get a CPC, a grower must arrange for a site inspection by their county Department of Agriculture. If the crop is to be grown in more than one county, the grower must get a CPC from each county. CPC's will only cover crops that are actually in the ground and sprouted. If any other crops will be planted later, the grower must have another site inspection to amend the CPC. Any products sold at a Certified Farmers' Market must be produced on land farmed and controlled by the grower. This means owned, rented, leased, or sharecropped. Partnership, sharecropping, and lease agreements must be in writing.

Before contacting the Department of Agriculture, growers should do the following. Write down for each specific crop: the type and variety, number of acres, estimated production, where it will be grown, and harvest season. Decide in what counties the grower wishes to sell and the maximum number of markets the grower will sell at in any one day. Identify any cold or dry storage facilities that may be used to store products after harvest and how long they will be stored. Have the following written records (as applicable) available for inspection: permission

from any secondary Certified Producer(s) the grower wishes to sell for; quarantine compliance agreements; CDFA nursery stock licenses; organic certification; and partnership, sharecropping, or lease agreements.

The county Department of Agriculture can issue the CPC only after completing a site inspection. CPC's are good for one year maximum and are sometimes issued for a single harvest season. At this time, Contra Costa County does not charge a fee for issuing CPC's and amendments but other counties may. County Departments of Agriculture officially mark their CPC's by embossing them or by marking them with a seal. The grower will need an officially marked copy of the CPC for each Certified Farmers' Market he/she will sell at in any given day. If the CPC did not come directly from the county Department of Agriculture, it is not legal. Growers are not permitted to make and use their own photocopies of a CPC. If anything about the CPC changes, the grower must arrange to have it amended and turn in all the old copies to the county Department of Agriculture.

Certified Farmers' Markets may be operated by private associations, government agencies, or by certified producers. For any Certified Farmers' Market a grower wishes to sell in, he/she must find out who the sponsor is and contact them to apply. Some markets may have long waiting



Market sponsers may choose not to accept new growers who sell the same type of products as their existing ones.



Everything for sale at a Certified Farmers Market must be included on a CPC.

lists. Markets will often pick and choose among producers in order to create a balance and may decide not to accept new growers with products similar to those of their established producers. The market's rules can be much stricter than any state laws or regulations, so read them carefully.

Everything for sale at a grower's stand in a Certified Farmers' Market must be listed on their CPC(s) or be an approved non-certifiable agricultural product. If growers wish to sell **any** non-agricultural products at their stands, it must be located outside the Certified Farmers' Market boundaries.

Most commission sales and buying and reselling are prohibited. CPC's must be current, correct, officially marked, and conspicuously posted at each stand in each market. Copies of any required nursery licenses and organic certificates must also be present and current. Crates and boxes marked with the names of other growers may not be used on the table as containers. Scales must have a current seal. Closed containers must be labeled with the identity, responsibility, and quantity. Certified Farmers' Market sponsors are required to collect load lists from each Certified Producer each day. Load lists are a detailed inventory of the products sold at the Certified Farmers' Market.



The county Department of Agriculture inspects Certified Farmers Markets.

If a grower is selling for another Certified Producer, there are additional requirements. Any products for sale from secondary Certified Producers must be completely separated from that of the primary producer. primary producer must have more products for sale at the start of the market than the secondary producer. Copies of any secondary CPC's must be current, correct, officially embossed, conspicuously posted, and include copies of any required nursery licenses and organic certificates. The primary and secondary CPC's must list each other. Secondary producers can be charged for a share of the fuel costs and stall fees by the primary producer, but the money from sales of secondary producer products must be turned over to the secondary producer.

The county Departments of Agriculture normally inspect Certified Farmers' Markets once or twice a year, depending on how many months the market operates. Other agencies may also conduct regular inspections. Any violations of state laws and regulations could result in fines and/or having the grower's CPC revoked or denied. The county Departments of Agriculture may also take enforcement action based on violations found in other counties. For information on getting a CPC or starting a Certified Farmers' Market, contact your local Department of Agriculture.

## **New Direct Marketing Regulations**

A new bill, AB 2168, has changed some of the direct marketing (grower farm stands and Certified Farmers' Markets) regulations. In general, the bill relaxes some restrictions on what growers are permitted to sell and who may buy their products. However, it also addresses food safety issues by placing additional restrictions on how food is displayed and stored. The following are some of the highlights of AB 2168.

At their roadside stands, growers may now sell any processed (value added) farm products that are made from local ingredients along with their own fresh produce, dried fruit, olive oil, etc. They are also permitted to sell prepackaged products not of local origin, such as bottled water, soft drinks, etc. For non-local origin products there is a storage/display space limit of 50 square feet that cannot be exceeded.

Chefs can now buy direct from grower roadside farm stands and Certified Farmers' Markets for their restaurants. Charitable organizations/individuals may also buy produce if they distribute it at no cost to the end user. Individuals and organizations can now buy direct for resale but only if the resale is to the end user.

Due to food safety concerns, the grower must provide a "memorandum" (such as a bill of sale



Restaurants may now buy from grower farm stands and Certified Farmers' Markets.



The county Environmental Health Division issues permits for retail food facilities.

or a label) that identifies the producer, address, type of produce, and quantity sold. This requirement only applies for sales to chefs, charitable organizations, and those buying for resale directly to the end user.

Prepackaged processed products must be stored in a vermin proof area or container when the grower's roadside farm stand is closed. Processed products have to be prepared and packaged in an facility approved by the county Environmental Health Department. No live animals (except guide dogs or other service animals) are allowed within 20 feet of an area where food items are stored or offered for sale

Growers can offer tastings and samples at the farm stand as long there is a toilet with handwashing facilities available to the farm stand operator and employees. Field "porta-potties" with wash units, soap, and single use towels are acceptable. If toilet facilities are not available, the stand is restricted to selling whole uncut fruit and vegetables and unopened processed farm products.

If you have questions about the direct marketing regulations, call the Contra Costa County Department of Agriculture. For information about food safety, retail food facility permits, and how to become an approved commerical kitchen, call the Contra Costa County Environmental Health Division at 925 692-2500.

### **Look Before You Spray**

When applicators use pesticides, they have a responsibility to avoid contaminating people, livestock, non-target crops, and the environment. Sometimes, this can be a serious challenge, especially near urban areas, waterways, and wildlife habitat.

Neighboring homes, schools, and churches can present a serious problem for pesticide applicators. Fields near urban areas or next to heavily used roads will often have motor vehicle, pedestrian, and bicycle traffic passing by at all hours. People, especially children, often lack the common sense to stay away when they see a sprayer. Some members of the general public will even treat growers' fields as their own personal jogging tracks and dog runs.

People can have legitimate reasons for being on or near a grower's property. Utility companies could have workers servicing equipment along right-of-ways through fields. Construction crews might be building or repairing roads and pipelines nearby. Irrigators or fieldworkers may need to enter neighboring fields to work.

Before starting a pesticide application, applicators must look for any persons, livestock, beehives, etc. that might be in or near enough to the field

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Utility workers and joggers may be in or near fields to be treated.

to be affected by pesticide spray or drift. They must also watch for any weather conditions that could carry spray drift off the field and onto passing traffic. It is vitally important to stay alert throughout the application.

Weather may have a strong impact on whether pesticides can be applied safely. Changes in wind speed or direction can occur at any time and create hazards to people or property. Even when winds are calm, fog and mist may carry pesticide droplets for considerable distances. Temperature inversions can trap pesticide droplets and vapor near the ground and not allow them to disperse.

Drift and spray are not the only ways pesticides can leave a field. Some pesticides can leach easily through certain types of soils and move into sensitive areas. Runoff due to heavy rains may damage nearby areas and enter waterways.

It is important for pesticide applicators to assess the conditions in and around the fields they intend to spray before they begin. Applicators also must constantly watch out for hazards during the application itself. Some added precautions may be necessary to prevent drift and runoff, such as tank additives, establishing a buffer zone to protect sensitive areas, and using a different type of application method or equipment. If the conditions do not allow for a safe application, it should be scheduled for another time.



Drift and runoff can lead to contamination of waterways and adjacent fields.

### **Contra Costa County Yesterdays**

In the early twentieth century, Contra Costa County had a number of cut flower growers. Many were descended from Japanese immigrants who had come to California around the turn of the century. During the 1920's, there were eight flower growers in the Richmond area. In those early days, growers would wrap their flowers in rolls of straw matting and carry them on their backs to the flower markets in San Francisco. The only way to get there was by ferry since the bridges across the bay had not yet been built. If their flowers didn't sell, the growers would have to carry them back home again.



John Carbone's cut carnation greenhouse in Berkeley in 1910 was similar to greenhouses operating in western Contra Costa County.

During World War II, many Americans of Japanese descent lost their businesses when they were imprisoned in internment camps. One of our own cut flower growers cared for the greenhouses of three of his Japanese-American neighbors until they were released.

The cut flower business boomed in Contra Costa County in the 1950's and 1960's. However, in the mid 1970's, the federal government began to subsidize cut flower production in South America to fight the war on drugs. Sadly, these subsidized foreign flowers have driven most Contra Costa cut flower growers out of business.

# In Memory Of

The Agriculture Department wishes to recognize the loss of the following members of the Agricultural Community in Contra Costa County and to express our condolences to their families.

Jim Deborba Richard Cross Christine Sanborn



Contra Costa County Department of Agriculture and Division of Weights & Measures 2366 A Stanwell Circle Concord, CA 94520